

By: Watson, et al.

S.B. No. 408

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the definition of a governmental body for the purposes
3 of the public information law.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 552.002, Government Code, is amended by
6 adding Subsection (d) to read as follows:

7 (d) Information maintained by a governmental body described
8 by Section 552.003(1)(A)(xii) is public information and subject to
9 this chapter only to the extent the information relates to the part,
10 section, or portion of an entity that receives or spends public
11 funds or uses real or personal property owned or leased by the state
12 or a political subdivision of the state as established in Section
13 552.003(1)(A)(xii)(a), (b), or (c).

14 SECTION 2. Section 552.003(1), Government Code, is amended
15 to read as follows:

16 (1) "Governmental body":

17 (A) means:

18 (i) a board, commission, department,
19 committee, institution, agency, or office that is within or is
20 created by the executive or legislative branch of state government
21 and that is directed by one or more elected or appointed members;

22 (ii) a county commissioners court in the
23 state;

24 (iii) a municipal governing body in the

1 state;

2 (iv) a deliberative body that has
3 rulemaking or quasi-judicial power and that is classified as a
4 department, agency, or political subdivision of a county or
5 municipality;

6 (v) a school district board of trustees;

7 (vi) a county board of school trustees;

8 (vii) a county board of education;

9 (viii) the governing board of a special
10 district;

11 (ix) the governing body of a nonprofit
12 corporation organized under Chapter 67, Water Code, that provides a
13 water supply or wastewater service, or both, and is exempt from ad
14 valorem taxation under Section 11.30, Tax Code;

15 (x) a local workforce development board
16 created under Section 2308.253;

17 (xi) a nonprofit corporation that is
18 eligible to receive funds under the federal community services
19 block grant program and that is authorized by this state to serve a
20 geographic area of the state; and

21 (xii) the part, section, or portion of an
22 organization, corporation, commission, committee, institution, or
23 agency that:

24 (a) receives or spends public funds,
25 if the receipt or expenditure does not impose a specific and
26 definite obligation on the entity to provide a measurable amount of
27 goods, services, benefits, or insurance in exchange for the public

1 funds as would be expected in an arms-length transaction or quid pro
2 quo agreement for goods, services, benefits, or insurance between a
3 vendor and purchaser;

4 (b) receives or spends [or that is
5 supported in whole or in part by] public funds under an agreement to
6 provide a traditional governmental service, which does not include
7 a utility service, that the state or the political subdivision
8 providing the funds will not provide under the agreement; or

9 (c) uses real or personal property
10 owned or leased by the state or a political subdivision of the state
11 that is not generally available to the public under an agreement
12 that provides for no or nominal consideration in return for the use;
13 and

14 (B) does not include the judiciary.

15 SECTION 3. The change in law made by this Act applies only
16 to a request for public information received on or after the
17 effective date of this Act. A request for public information
18 received before the effective date of this Act is governed by the
19 law in effect when the request was received, and the former law is
20 continued in effect for that purpose.

21 SECTION 4. This Act takes effect September 1, 2017.